

# Exhibit “A”

# THE STATE OF TEXAS

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you, or your attorney, do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you."

TO: **FLETES SOTELO S.A. De C.V.**, which may be served with process by serving its registered agent, **TRUCK PROCESS AGENTS OF AMERICA, INC.** at **MARIA GARCIA, 1519 WYOMING, EL PASO, TX 79902** or wherever he/she may be found

Greetings:

You are hereby commanded to appear by filing a written answer to the Plaintiff's Original Petition at or before ten o'clock A.M. of the Monday next after the expiration of twenty days after the date of service of this citation before the Honorable 448<sup>th</sup> Judicial District Court, El Paso County, Texas, at the Court House of said County in El Paso, Texas.

Said Plaintiff's Petition was filed in said court on this the 14<sup>th</sup> day of July, 2017 by Attorney at Law, JAMES B. KENNEDY, 6216 GATEWAY BLVD EAST, EL PASO, TX 79905 in this case numbered 2017DCV2348 on the docket of said court, and styled:

**ISRAEL SANABRIA-MEDINA vs. MARTIN ALCANTAR and FLETES SOTELO S.A. De C.V.**

The nature of Plaintiff's demand is fully shown by a true and correct copy of the Plaintiff's Original Petition, Civil Case Information Sheet, Plaintiff's Interrogatories, Requests for Disclosure, Requests for Admission and Request for Production to Defendant Fletes Sotelo S.A. De C.V. , Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Diagnostic Outpatient Imaging, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Barker Chiropractic Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Del Sol Medical Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Emergency Services of Texas, PA, Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Barker Chiropractic Center accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at El Paso, Texas, on this the 26th day of July, 2017.

CLERK OF THE COURT

**NORMA FAVELA BARCELEAU**  
District Clerk  
El Paso County Courthouse  
500 E. San Antonio Ave, RM 103  
El Paso, Texas 79901



Attest: NORMA FAVELA BARCELEAU District Clerk  
El Paso County, Texas

By: JoAnn Fernandez, Deputy  
JoAnn Fernandez

Rule 106: "-the citation shall be served by the officer delivering to each defendant, in person, a true copy of the citation with the date of delivery endorsed thereon and with a copy of the petition attached thereto."

07/28/17  
SC413719

## CIVIL CASE INFORMATION SHEET

Filed 7/14/2017 10:26 AM

Norma Favela Barceleau  
District Clerk  
El Paso County  
2017DCV2348

CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED Israel Sanabria-Medina vs. Martin Gilberto Alcantar and Fletes Sotelo S.A. De C.V.

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

1. Contact information for person completing case information sheet:		Names of parties in case:	Person or entity completing sheet is:
Name: JAMES KENNEDY	Email: office@kennedyworksforyou	Plaintiff(s)/Petitioner(s): Israel Sanabria-Medina	<input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other:
Address: 6216 Gateway Blvd. East	Telephone: 915.544.5200	Defendant(s)/Respondent(s): Martin Gilberto Alcantar	Additional Parties in Child Support Case: Custodial Parent:
City/State/Zip: El Paso Texas 79905	Fax: 915.542.2423	Fletes Sotelo S.A. De C.V.	Non-Custodial Parent:
Signature: 	State Bar No: Tx 00791014		Presumed Father:
[Attach additional page as necessary to list all parties]			

2. Indicate case type, or identify the most important issue in the case (select only 1):

Civil		Family Law		
Contract	Injury or Damage	Real Property	Marriage Relationship	Post-judgment Actions (non-Title IV-D)
Debt/Contract	<input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <input type="checkbox"/> Malpractice <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability	<input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property:	<input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <input type="checkbox"/> Divorce <input type="checkbox"/> With Children <input type="checkbox"/> No Children	<input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other
Foreclosure	<input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises	Related to Criminal Matters	Other Family Law	<input type="checkbox"/> Title IV-D <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order
Franchise Insurance Landlord/Tenant Non-Competition Partnership Other Contract:	<input type="checkbox"/> Product Liability <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product:	<input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus Pre-indictment <input type="checkbox"/> Other:	<input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other:	<input type="checkbox"/> Parent-Child Relationship <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child:
Employment	Other Civil			
Discrimination Retaliation Termination Workers' Compensation Other Employment:	<input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property	<input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other:		
Tax	Probate/Wills/Intestate Administration	Probate & Mental Health		
Tax Appraisal Tax Delinquency Other Tax	<input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings	<input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other:		

3. Indicate procedure or remedy, if applicable (may select more than 1):

Appeal from Municipal or Justice Court Arbitration-related Attachment Bill of Review Certiorari Class Action	Declaratory Judgment Garnishment Interpleader License Mandamus Post-judgment	Prejudgment Remedy Protective Order Receiver Sequestration Temporary Restraining Order/Injunction Turnover
4. Indicate damages sought (do not select if it is a family law case):		
<input type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000		

IN THE JUDICIAL DISTRICT COURT  
COUNTY COURT AT LAW NUMBER \_\_\_\_\_  
EL PASO COUNTY, TEXAS

ISRAEL SANABRIA-MEDINA,

PLAINTIFF,

VS.

MARTIN GILBERTO ALCANTAR AND FLETES  
SOTEO S.A. DE C.V.,

DEFENDANTS.

CAUSE NO.: \_\_\_\_\_

PLAINTIFF'S ORIGINAL PETITION

COMES NOW, ISRAEL SANABRIA-MEDINA, Plaintiff in the above styled and numbered cause, by and through his attorney of record, JAMES B. KENNEDY, JR. of JAMES KENNEDY, P.L.L.C., and files this, PLAINTIFF'S ORIGINAL PETITION, and for cause of action would show the court the following:

DISCOVERY CONTROL PLAN

1. Discovery will be conducted under Level III pursuant to Rule §190.4 of the TEXAS RULES OF CIVIL PROCEDURE.

PARTIES TO THIS ACTION

2. Plaintiff resides in El Paso County, Texas.
3. Defendant Martin Gilberto Alcantar is an individual who resides and may be served with process at Hidalgo del Parral 7910, Nuevo Hipodromo, Cd. Juarez, CH 32695 or anywhere they may be found.
4. Defendant Fletes Sotelo S.A. De C.V. is an international common carrier and a Mexican Corporation doing regular and systematic business in the State of Texas. Said Defendant may be served by serving its registered agent Truck Process Agents of America, Inc. at Maria Garcia, 1519 Wyoming, El Paso, Texas 79902 or anywhere they may be found.

**JURISDICTION AND VENUE**

5. Venue is proper in El Paso County, Texas because the incident made the basis of this lawsuit occurred in El Paso County, Texas.

**FACTS**

6. On or about October 31<sup>st</sup>, 2016, Defendant Martin Gilberto Alcantar negligently caused an automobile accident with Plaintiff, which resulted in severe injuries and damages to Plaintiff (hereinafter "subject accident"). The negligence of Defendant Martin Gilberto Alcantar is alleged more fully below. The subject accident was the proximate cause of the injuries and damages sustained by Plaintiff, which are set forth more fully below.

**CAUSE OF ACTION**

7. DEFENDANT MARTIN GILBERTO ALCANTAR proximately caused the subject accident by ways including, but not limited to, the following when he:

- (a) Failed to use the due care and caution of an ordinary and prudent person in the same or similar circumstances;
- (b) Failed to take proper evasive action;
- (c) Failed to keep a proper look-out;
- (d) Failed to follow lane control marks, which constitutes negligence *per se* (El Paso Municipal Code §12.24.010 (B)); and
- (e) Committed other negligent acts and omissions to be determined during the course of discovery.

8. The above referenced acts and omissions, whether taken singularly or in concert, constitute a direct and proximate cause of the injuries and damages sustained by Plaintiff. Furthermore, this conduct violates the Transportation Code of Texas as specified above, which constitutes negligence *per se*.

9. Martin Gilberto Alcantar was acting within the course and scope of his employment with Defendant Fletes Sotelo S.A. De C.V. when the subject accident occurred, and as a result, Defendant Fletes Sotelo S.A. De C.V. is vicariously liable for the negligent acts and omissions of Martin Gilberto Alcantar. Plaintiff invokes the doctrine of *respondeat superior*.

### DAMAGES

10. As a direct and proximate result of the negligent acts as described above, PLAINTIFF ISRAEL SANABRIA-MEDINA suffered:

- (a) Physical pain and suffering and mental anguish, past and future;
- (b) Physical impairment and disfigurement, past and future;
- (c) Reasonable and necessary medical expenses, past and future;
- (d) Lost wages and/or loss of wage earning capacity; and
- (e) Other damages;

11. PLAINTIFF ISRAEL SANABRIA-MEDINA seeks compensation in whatever amount the Jury determines to be fair and reasonable based upon the evidence, and in an amount that is within the jurisdictional limits of this Court over \$1,000,000.00.

### JURY REQUEST

Plaintiff requests a Trial by Jury on all issues as set forth herein above.

### REQUESTS FOR DISCLOSURE

Pursuant to Rule 194, Defendants are requested to disclose within the time period set forth in Rule 194.3 the information or material described in Rule 194.2(a)-194.2(l).

### TRCP 193.7 NOTICE

This paragraph serves as notice under Tex. R. Civ. P. 193.7 that documents produced in response to written discovery requests served by plaintiff will be used against the producing party in any pretrial proceeding and/or trial.

### PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants Martin Gilberto Alcantar and Fletes Sotelo S.A. De C.V. be cited to appear and answer, and that on final trial, judgment be entered against Defendants for all relief requested as follows:

1. Judgment against Defendants for actual damages in an amount that is within the jurisdictional limits of this Court over \$1,000,000.00;
2. Pre and post-judgment interest, as described by law, until paid;

3. Costs of suit;
4. Such other and further relief, general and special, at law or at equity, to which Plaintiff may be justly entitled.

Respectfully Submitted,

**JAMES KENNEDY, P.L.L.C.**  
6216 Gateway Blvd. East  
El Paso, Texas 79905  
(915) 544-5200  
FAX (915) 532-2423

By: /s/James B. Kennedy, Jr.  
**JAMES B. KENNEDY, JR.**  
State Bar No.: 00791014

## RETURN

Came on hand on 27 day of July, 2017, at 2130 o'clock P.M., and executed in El Paso County, Texas, by delivering to each of the within-named defendants, in person, a true copy of this Citation, having first endorsed thereon the date of delivery, together with the accompanying true and correct copy of the Plaintiff's Original Petition, Civil Case Information Sheet, Plaintiff's Interrogatories, Requests for Disclosure, Requests for Admission and Request for Production to Defendant Fletes Sotelo S.A. De C.V., Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Diagnostic Outpatient Imaging, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Barker Chiropractic Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Del Sol Medical Center, Plaintiff's Notice of Filing Redacted Medical Bills of Israel Sanabria-Medina from Emergency Services of Texas, PA, Plaintiff's Notice of Filing Redacted Medical Records of Israel Sanabria-Medina from Barker Chiropractic Center, at the following times and places, to-wit:

NAME	MONTH	DATE DAY	YEAR	Hour	TIME Min.	M.	Place, and Course and Distance From Court House
<u>Fletes Sotelo</u>	<u>07</u>	<u>28</u>	<u>2017</u>	<u>21</u>	<u>43</u>	<u>P.M.</u>	<u>1519 Wyoming Ave,</u> <u>El Paso Texas</u> <u>79903</u>
<u>S.A. De C.V. by delivering</u>							
<u>to its Registered</u>							
<u>Agent Truck Process</u>							
<u>Agents of America, Inc.</u>							
<u>Maria Garcia</u>							

And not executed as to the defendant, \_\_\_\_\_

the diligence used in finding said defendant, being \_\_\_\_\_

and the cause of failure to execute this process is: \_\_\_\_\_

and the information received as to the whereabouts of the said defendant, being \_\_\_\_\_

FEES—SERVING 1 cop \$ \_\_\_\_\_ Sheriff

County, Texas

Total \$ \_\_\_\_\_ By \_\_\_\_\_ Deputy

CERTIFICATE OF DELIVERY De CV by delivering to

I do hereby certify that I delivered to Fletes Sotelo, its Registered Agent Truck Process Agents  
of America, Inc., Maria Garcia on the 28 day of July,  
2017, at 2143 o'clock P.M. this copy of this instrument.

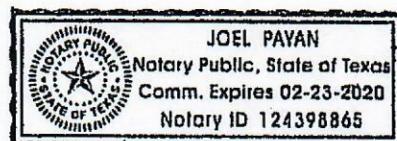
John Schmitz, Sheriff/Agent

El Paso County, Texas

By Sal Payan S-843719, Deputy/Agent

SUBSCRIBED AND SWORN TO BEFORE ME ON THE 28<sup>TH</sup> DAY OF July

(SEAL)



<u>John Schmitz</u>		<u>John Schmitz</u>	FILED
			NORMA FAVERA BARCELEAU
<u>John Schmitz</u>		<u>John Schmitz</u>	DISTRICT CLERK
			EL PASO COUNTY, TEXAS
<u>John Schmitz</u>		<u>John Schmitz</u>	2017 AUG - 1 AM 10: 25
			BY DEPUTY
NOTARY PUBLIC, STATE OF TEXAS			